



**Ninety-Eighth Legislature - Second Session - 2004**  
**Committee Statement**  
**LB 1185**

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**Hearing Date:** February 3, 2004

**Committee On:** Banking, Commerce and Insurance

**Introducer(s):** (Louden, Cunningham, Schrock, Stuthman)

**Title:** Change provisions relating to workers' compensation insurance

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**Roll Call Vote – Final Committee Action:**

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

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**Vote Results:**

7 Yes                      Senators Quandahl, Tyson, Jensen, Johnson, Louden, Mines,  
Redfield

No

Present, not voting

1 Absent                      Senator Foley

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**Proponents:**

Senator LeRoy Louden

Tim Wagner

**Representing:**

Introducer

NE Department of Insurance

**Opponents:**

Rich Oehlerking

Jeff Scanlan

Korby Gilbertson

**Representing:**

Independent Insurance Agents of NE

Cornhusker Casualty Co.

NE Insurance Information Service

Property Casualty Insurers Association of

Nebraska

**Neutral:**

Kris Peterson

**Representing:**

NE Workers' Compensation Court

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**Summary of purpose and/or changes:**

LB 1185 (Louden, Cunningham, Schrock, Stuthman) would amend sections 44-7506, 44-7508.01, 44-7511, 44-7513, 44-7515, 44-7516, and 44-7524 of the Property and Casualty Insurance Rate and Form Act to provide (1) that workers' compensation rates and forms shall be filed by insurers with the Director of Insurance on a "file and use" rather than a "prior approval" basis, and (2) that insurers authorized to transact workers' compensation business in this state shall not refuse to write coverage for any job classification or subclassification.

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**Explanation of amendments, if any:**

The committee amendments would strike the original sections of the bill and insert new provisions as follows:

1. The committee amendments would provide that workers' compensation rates shall be filed by insurers with the Director of Insurance on a "file and use" rather than a "prior approval" basis. The committee amendments do not include provisions of the bill, as introduced, which would provide that workers' compensation forms shall be filed on a "file and use" rather than a "prior approval" basis. The committee amendments do not include provisions of the bill, as introduced, which were specifically objected to by opponents at the bill's hearing.

2. The committee amendments would insert the provisions of LB 1228 (Quandahl) which would provide that personal lines property and casualty rates and forms shall be filed by insurers with the Director of Insurance on a "file and use" rather than a "prior approval" basis.

3. The committee amendments would provide that farm and ranch lines rates and forms shall be filed by insurers with the Director of Insurance on a "file and use" rather than a "prior approval" basis.

4. The committee amendments would provide that for insurance subject to file and use filing, the existing statutory authority allowing insurers to increase or decrease premiums on individual risks up to forty percent would not extend to personal lines risks (as provided in LB 1228, as introduced) and farm and ranch risks.

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**Senator Mark Quandahl, Chairperson**